

1                   A bill to be entitled  
2           An act relating to motorcycle and moped riders;  
3           amending s. 316.211, F.S.; increasing the age at which  
4           a person operating or riding upon a certain motorcycle  
5           or moped is exempt from protective headgear  
6           requirements; requiring a moped registered to a person  
7           under 21 years of age to display a license plate;  
8           providing a penalty; providing an effective date.  
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10 Be It Enacted by the Legislature of the State of Florida:  
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12           Section 1. Section 316.211, Florida Statutes, is amended  
13 to read:

14           316.211 Equipment for motorcycle and moped riders.—

15           (1) A person may not operate or ride upon a motorcycle  
16 unless the person is properly wearing protective headgear  
17 securely fastened upon his or her head which complies with  
18 Federal Motorcycle Vehicle Safety Standard 218 promulgated by  
19 the United States Department of Transportation. The Department  
20 of Highway Safety and Motor Vehicles shall adopt this standard  
21 by agency rule.

22           (2) A person may not operate a motorcycle unless the  
23 person is wearing an eye-protective device over his or her eyes  
24 of a type approved by the department.

25           (3) (a) This section does not apply to a person ~~persons~~

26 riding within an enclosed cab or to a ~~any~~ person 21 ~~16~~ years of  
27 age or older who is operating or riding upon a motorcycle  
28 powered by a motor with a displacement of 50 cubic centimeters  
29 or less or is rated not in excess of 2 brake horsepower and  
30 which is not capable of propelling such motorcycle at a speed  
31 greater than 30 miles per hour on level ground.

32 (b) Notwithstanding subsection (1), a person over 21 years  
33 of age may operate or ride upon a motorcycle without wearing  
34 protective headgear securely fastened upon his or her head if  
35 such person is covered by an insurance policy providing for at  
36 least \$10,000 in medical benefits for injuries incurred as a  
37 result of a crash while operating or riding on a motorcycle.

38 (4) A person under 21 ~~16~~ years of age may not operate or  
39 ride upon a moped unless the person is properly wearing  
40 protective headgear securely fastened upon his or her head which  
41 complies with Federal Motorcycle Vehicle Safety Standard 218  
42 promulgated by the United States Department of Transportation.

43 (5) The department shall make available a list of  
44 protective headgear approved in this section, and the list shall  
45 be provided on request.

46 (6) Each motorcycle or moped registered to a person under  
47 21 years of age must display a license plate that is unique in  
48 design and color.

49 (7) A violation of this section is a noncriminal traffic  
50 infraction, punishable as a nonmoving violation as provided in

HB 583

2018

51 | chapter 318.

52 |       Section 2. This act shall take effect July 1, 2018.